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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

WILLIAM D. MOORE, M.D.
Certificate No. A-16032

Respondent.

No. 03-92-15810
D-5712

DECISION

The attached Default Decision is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on February 3, 1995.

IT IS OR ORDERED January 4, 1995.

By: Karen McElliot
KAREN MCELLIOTT
Chair
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RUSSELL W. LEE
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4 Telephone: (510) 286-3793

5 Attorneys for Complainant

6
7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA
9

10
11 In the Matter of the Accusation)
Against:)

NO. D-5712

12)
13 WILLIAM D. MOORE, M.D.)
IDAHO MAXIMUM SECURITY INCARCERATION)
14 C BLOCK, TIER 3, #36.611)
P.O. BOX 51)
15 Boise, Idaho 83707)
Certificate No. A16032)

DEFAULT DECISION OF
THE DIVISION OF
MEDICAL QUALITY,
MEDICAL BOARD OF
CALIFORNIA, STATE OF
CALIFORNIA

16)
17 Respondent.)
18)

19 JURISDICTION

20 On March 15, 1994, Accusation No. D-5712, Statement to
21 Respondent, form Notices of Defense, copy of Government Code
22 Sections and Request for Discovery forms as provided by
23 Government Code sections 11503 and 11505 (hereinafter "Accusation
24 and Supporting Documents") were mailed to respondent William D.
25 Moore, M.D., (hereinafter "respondent"), at his current address
26 of record, IDAHO MAXIMUM SECURITY INCARCERATION, C Block, Tier 3,
27 #36.611, P.O. BOX 51, Boise, Idaho 83707, by certified mail.

1 Thereafter, on March 24, 1994, a signed return receipt was
2 received by the Medical Board of California (hereinafter the
3 "Board") indicating that the certified mail packet was delivered
4 to respondent. As of August 9, 1994, no notice of defense had
5 been filed by respondent.

6 On August 9, 1994, a letter was sent by the Office of the
7 Attorney General to respondent by certified mail and regular mail
8 at the above referenced address. Thereafter, a signed return
9 receipt was received by the Office of the Attorney General
10 indicating that the certified mail letter was delivered to
11 respondent on August 16, 1994. Said letter advised respondent
12 that the Board would proceed with a default decision in Case No.
13 D-5712 pursuant to Government Code Section 11520 unless a Notice
14 of Defense was filed by respondent by September 1, 1994. As of
15 December 1, 1994, no Notice of Defense has been filed by
16 respondent.

17 The above referenced documents are attached hereto as
18 Exhibit A.

19 Respondent has been duly served with said Accusation,
20 Statement to Respondent, form Notices of Defense, copy of
21 Government Code Sections, and request for Discovery forms
22 pursuant to Government Code sections 11503 and 11505 and has
23 failed to file a Notice of Defense within the time allowed by
24 Government Code section 11506. The default of respondent is duly
25 entered pursuant to Government Code section 11520.

26 The Division of Medical Quality of the Board (hereinafter
27 the "Division") has determined that respondent has waived his

1 right to a hearing and to contest the merits of the accusation,
2 and that respondent is in default and that the Division will take
3 full action on the accusation, the affidavits, and documentary
4 evidence on file herein, without a hearing as provided by
5 Government Code Section 11520.

6 FINDINGS OF FACT

7 The Division now makes the following findings of fact:

8 1. Dixon Arnett is the Executive Director of the
9 Medical Board of California, State of California (hereinafter
10 "the Board") and made and filed Accusation No. D-5712 solely in
11 his official capacity.

12 2. At all times material herein, respondent William
13 D. Moore, M.D. (hereinafter "respondent") held physician and
14 surgeon certificate No. A16032 which was issued to him by the
15 Board on or about August 25, 1954. Said certificate is in
16 delinquent status with an expiration date of December 31, 1992.
17 No prior disciplinary action has been taken against said
18 certificate.

19 3. On or about June 22, 1992, in a case entitled
20 STATE OF IDAHO V. WILLIAM DUDLEY MOORE, Case No. F92-77283, IN
21 THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF
22 IDAHO, IN AND FOR THE COUNTY OF KOOTENAI, respondent was
23 convicted, pursuant to a Jury Verdict, of violating Idaho Code
24 Section 18-4001, 02, 03, to wit: MURDER IN THE SECOND DEGREE.

25 4. On or about September 9, 1992, respondent was
26 sentenced to serve 15 years in the Custody of the Idaho State
27 Board of Correction.

5. The facts and circumstances of respondent's conviction are that sometime between the dates of December 25, 1991, and January 2, 1992, in the County of Kootenai, State of Idaho, respondent did wilfully, unlawfully, deliberately, and with malice aforethought kill and murder his wife, Joanne S. M. at their residence in Coeur d'Alene, Idaho, by strangling or compressing her neck, and breaking her larynx. Respondent attempted to conceal the murder by first placing his wife's body in the basement hall closet, and, just prior to being interviewed by the Kootenai Sheriff's Department, by dragging the body to a pole barn which was detached from the main residence.

6. Said conviction is substantially related to the qualifications, functions, or duties of a physician.

DETERMINATION OF ISSUES

I

Respondent's conduct as alleged in paragraphs 3 through 6, hereinabove, constitutes the commission of an act(s) involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon, and therefore is cause for disciplinary action pursuant to section 2234(e), of the Business and Professions Code.

II

Respondent's conduct as alleged in paragraphs 3 through 6 hereinabove constitutes the conviction of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon and therefore is cause for

1 disciplinary action pursuant to section 2236 of the Business and
2 Professions Code.

3 III

4 Respondent's conduct as alleged in paragraphs 3 through 6
5 hereinabove constitutes the conviction of an offense
6 substantially related to the qualifications, functions, or duties
7 of a physician and surgeon and therefore is cause for
8 disciplinary action pursuant to section 490 of the Business and
9 Professions Code.

10 ORDER

11 WHEREFORE, the following order is hereby made:

12 1. Physician and surgeon certificate number A16032
13 previously issued to William D. Moore, M.D., is hereby revoked,
14 separately and severally, as to each of the Determination of
15 Issues I through III set forth hereinabove.

16 2. Respondent shall not be deprived of making any further
17 showing by way of mitigation; however, such showing must be made
18 to the Medical Board of California, 1430 Howe Avenue, Suite 100,
19 Sacramento, California 95825, prior to the effective date of this
20 decision.

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of the State of California
RUSSELL W. LEE
Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

NO. D-5712

WILLIAM D. MOORE, M.D.
IDAHO MAXIMUM SECURITY INCARCERATION)
C BLOCK, TIER 3, #36.611
P.O. BOX 51
Boise, Idaho 83707
Certificate No. A16032

ACCUSATION

Respondent.

DIXON ARNETT, complainant herein, charges and alleges
as follows:

1. He is the Executive Director of the Medical Board
of California, State of California (hereinafter "the Board") and
makes these charges and allegations solely in his official
capacity.

2. At all times material herein, respondent William
D. Moore, M.D. (hereinafter "respondent") has held physician and
surgeon certificate No. A16032 which was issued to him by the

1 Board on or about August 25, 1954. Said certificate is in
2 delinquent status with an expiration date of December 31, 1992.
3 No prior disciplinary action has been taken against said
4 certificate.

5 STATUTES

6 3. Section 2001 of the Business and Professions
7 Code^{1/} provides for the existence of the board.

8 4. Section 2003 provides for the existence of the
9 Division of Medical Quality (hereinafter referred to as the
10 "division") within the board.

11 5. Section 2004 provides, inter alia, that the
12 division is responsible for the administration and hearing of
13 disciplinary actions involving enforcement of the Medical
14 Practice Act (section 2000 et seq.) and the carrying out of
15 disciplinary action appropriate to findings made by a medical
16 quality review committee, the division, or an administrative law
17 judge with respect to the quality of medical practice carried out
18 by physician & surgeon certificate holders.

19 6. Section 2220, 2234 and 2227 together provide that
20 the division shall take disciplinary action against the holder of
21 a physician's and surgeon's certificate who is guilty of
22 unprofessional conduct.

23 7. Section 2234 provides in part, as follows:

24 The Division of Medical Quality shall take
25 action against any licensee who is charged
26

27 1. All statutory references are to the Business and
Professions Code unless otherwise indicated.

1 with unprofessional conduct. In addition to
2 other provisions of this article,
3 unprofessional conduct includes, but is not
4 limited to the following:

5 (a) Violating or attempting to violate,
6 directly, or assisting in or abetting the
7 violation of, or conspiring to violate, any
8 provision of this chapter.

9

10 (e) The commission of any act involving
11 dishonesty or corruption which is
12 substantially related to the qualifications,
13 functions, or duties of a physician and
14 surgeon.

15 8. Section 2236 provides as follows:

16 (a) The conviction of any offense
17 substantially related to the qualifications,
18 functions, or duties of a physician and
19 surgeon constitutes unprofessional conduct
20 within the meaning of this chapter. The
record of conviction shall be conclusive
evidence only of the fact that the conviction
occurred.

21 (b) The division may inquire into
22 the circumstances surrounding the commission
23 of the crime in order to fix the degree of
discipline or to determine if such conviction
is of an offense substantially related to the
24 qualifications, functions, or duties of a
physician and surgeon. A plea or verdict of
guilty or a conviction following a plea of
25 nolo contendere made to a charge
substantially related to the qualifications,
26 functions, or duties of a physician and
surgeon is deemed to be a conviction within
the meaning of this section.

1 (c) Discipline may be ordered in
2 accordance with section 2227, or the Division
3 of Licensing may order the denial of the
4 license when the time for appeal has elapsed,
5 or the judgment of conviction has been
6 affirmed on appeal, or when an order granting
7 probation is made suspending the imposition
8 of sentence, irrespective of a subsequent
9 order under the provisions of Section 1203.4
10 of the Penal Code allowing such person to
11 withdraw his or her plea of guilty and to
12 enter a plea of not guilty, or setting aside
13 the verdict of guilty, or dismissing the
14 accusation, complaint, information, or
15 indictment.

9. Section 490 provides as follows:

10 A board may suspend or revoke a
11 license on the ground that the licensee has
12 been convicted of a crime, if the crime is
13 substantially related to the qualifications,
14 functions, or duties of the business or
15 profession for which the license was issued,
16 or the ground of knowingly making a false
17 statement of fact required to be revealed in
18 an application for such license. A
19 conviction within the meaning of this section
20 means a plea or verdict of guilty or a
21 conviction following a plea of nolo
22 contendere. Any action which a board is
23 permitted to take following the establishment
24 of a conviction may be taken when the time
25 for appeal has elapsed, or the judgment of
26 conviction has been affirmed on appeal, or
27 when an order granting probation is made
suspending the imposition of sentence,
irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal
Code.

10. Section 493 provides as follows:

23 Notwithstanding any other provision
24 of law, in a proceeding conducted by a board
25 within the department pursuant to law to deny
26 an application for a license or to suspend or
27 revoke a license or otherwise take
disciplinary action against a person who
holds a license, upon the ground that the
applicant or the licensee has been convicted
of a crime substantially related to the
qualifications, functions, and duties of the
licensee in question, the record of

1 conviction of the crime shall be conclusive
2 evidence of the fact that the conviction
3 occurred, but only of that fact, and the
4 board may inquire into the circumstances
5 surrounding the commission of the crime in
6 order to fix the degree of discipline or to
7 determine if the conviction is substantially
8 related to the qualifications, functions, and
9 duties of the licensee in question.

10 As used in this section, "license"
11 includes "certificate," "permit,"
12 "authority," and "registration."

13 CAUSES FOR DISCIPLINARY ACTION

14 11. Respondent is subject to disciplinary action for
15 unprofessional conduct pursuant to Business and Professions Code
16 sections: 2234 (general unprofessional conduct); and/or
17 2234(e); and/or 2236(a); and/or 490; and/or 493. The
18 circumstances are as follows:

19 A. On or about June 22, 1992, in a case entitled
20 STATE OF IDAHO V. WILLIAM DUDLEY MOORE, Case No. F92-77283, IN
21 THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF
22 IDAHO, IN AND FOR THE COUNTY OF KOOTENAI, respondent was
23 convicted, pursuant to a Jury Verdict, of violating Idaho Code
24 Section 18-4001, 02, 03, to wit: MURDER IN THE SECOND DEGREE.

25 B. On or about September 9, 1992, respondent was
26 sentenced to serve 15 years in the Custody of the Idaho State
27 Board of Correction.

28 C. The facts and circumstances of respondent's
29 conviction are that sometime between the dates of December 25,
30 1991, and January 2, 1992, in the County of Kootenai, State of
31 Idaho, respondent did wilfully, unlawfully, deliberately, and
32 with malice aforethought kill and murder his wife, Joanne S [REDACTED]

1 M██████ at their residence in Coeur d'Alene, Idaho, by strangling
2 or compressing her neck, and breaking her larynx. Respondent
3 attempted to conceal the murder by first placing his wife's body
4 in the basement hall closet, and, just prior to being interviewed
5 by the Kootenai Sheriff's Department, by dragging the body to a
6 pole barn which was detached from the main residence.

7 D. Said conviction is substantially related to
8 the qualifications, functions, or duties of a physician.

9 INVESTIGATION AND ENFORCEMENT COSTS

10 12. California Business and Professions Code section
11 125.3, subdivision (a), provides, in pertinent part, that in any
12 order issued in resolution of a disciplinary proceeding, the
13 board may request the administrative law judge to direct a
14 licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs
16 of investigation and enforcement of the case.

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WHEREFORE, complainant prays that a hearing be held and that the Board issue an order:

1. Revoking physician and surgeon certificate number
A16032 previously issued to William D. Moore, M.D.;

2. Ordering respondent to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case; and

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: March 15, 1994



Dixon Arnett
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

Board Case No. 03 92 15810